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DEFENDANT BLUE COAT SYSTEMS LLC'S WITNESS LIST

United States District Court
For the Northern District of California (San Jose Division)

Finjan, Inc. v. Blue Coat Systems LLC

Case No. 15-cv-03295-BLF

Trial Date: October 27, 2017

Pursuant to Section C.1 of the Court's Standing Order Re Final Pretrial Conference – Jury Trial, Defendant Blue Coat Systems LLC (“Blue Coat”) hereby submits the following witness list. Because the admissibility of testimony from a witness is dependent on the context, the inclusion of a witness on Blue Coat's list of witnesses should not be construed as a waiver of the right to object to the witness or to the use of testimony from the witness if called by Plaintiff Finjan, Inc. (“Finjan”). In addition to the witnesses identified below, Blue Coat reserves the right to call any witness identified on Finjan's witness list. Blue Coat further reserves the right to supplement or modify this list if so warranted and reserves the right not to call any witness disclosed below.

1. **Dr. Seth Nielson** (live): Dr. Nielson is Blue Coat's technical expert regarding noninfringement of U.S. Patent Nos. 6,454,844; 6,965,968; 7,418,731; 8,677,494; 8,079,086; 8,225,408; 9,189,621; and 9,219,755 (collectively, “Asserted Patents”) and will testify regarding the same. Dr. Nielson is a recognized expert in the fields of computer networking and computer and network security, with over fifteen years of industry and academic experience in network security and cryptographic analysis. Dr. Nielson received his B.S. in Computer Science and M.S. in Computer Science, both from Brigham Young University, and received his Ph.D. in Computer Science from Rice University. Dr. Nielson received the Brown Fellowship and a Graduate Fellowship from the Rice University Computer Science Department and was also a John and Eileen Tietze Fellow. He is currently teaching and appointed as an Adjunct Associate Research Scientist at Johns Hopkins University. Dr. Nielson's theories and conclusions and the bases therefor are set forth in his expert report (including his curriculum vitae). Dr. Nielson

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provided in his expert report technical background of technologies at issue, description of operation and design of the accused products, and opinions regarding noninfringement of the Asserted Patents, all of which are included among the subjects about which he will testify. Blue Coat estimates that Dr. Nielson's testimony will take approximately 4 hours.

2. **Dr. Atul Prakash** (live): Dr. Prakash is Blue Coat's technical expert regarding invalidity of the Asserted Patents and will testify regarding the same. Dr. Prakash is a recognized expert in the field of computer and network security. He has been a researcher in security-related fields since at least 1986. Dr. Prakash earned his Master of Science and Doctorate from the Department of Electrical Engineering and Computer Science at the University of California, Berkeley, in 1984 and 1989, respectively. He also earned his undergraduate degree, a B. Tech. in Electrical Engineering, from the Indian Institute of Technology, Delhi in 1982. He is a Professor in the Computer Science Division of the Department of Electrical Engineering and Computer Science at the University of Michigan, where he has been a faculty member since 1989. Dr. Prakash's theories and conclusions and the bases therefor are set forth in his expert report (including his curriculum *vitae*). Dr. Prakash provided in his expert reports technical background of technologies at issue, description and analysis of prior art, and opinions regarding invalidity (including secondary considerations of nonobviousness), all of which are included among the subjects about which he will testify, though, in view of the Court's Order re Summary Judgment (Dkt. No. 276), the testimony of Dr. Prakash will be limited to a background of the relevant technologies and U.S. Patent Nos. 8,079,086; 8,225,408; 9,189,621; and 9,219,755. Blue Coat estimates that Dr. Prakash's testimony will take approximately 4 hours.

3. **Vincent A. Thomas** (live): Mr. Thomas is Blue Coat's damages expert, and he will testify regarding an appropriate measure of damages should Finjan prevail on any of its claims. Mr. Thomas is a Principal at FTI Consulting LLC. Mr. Thomas is a nationally recognized financial analyst and consultant, with over 25 years of experience in complex

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accounting and finance. Mr. Thomas graduated cum laude from DePauw University with a B.A. in Economics and received his M.B.A. from Indiana University. He is a Certified Public Accountant, Certified Valuation Analyst, and is Certified in Financial Forensics and Accredited in Business Valuation. He is also a member of the American Institute of Certified Public Accountants and National Association of Certified Valuation Analysts. Mr. Thomas's theories and conclusions and the bases therefor are set forth in his expert report (including her curriculum *vitae*), all of which are included among the subjects about which he will testify. Blue Coat estimates that Mr. Thomas testimony will take approximately 4 hours.

4. **Bjørn Ove Hay Andersen** (by deposition): Mr. Andersen currently serves as a Senior Developer at Symantec (Norway) AS and was previously Senior Security Researcher at Blue Coat Norway AS. Mr. Andersen is anticipated to testify regarding Blue Coat and its Malware Analysis Appliance. Blue Coat estimates that Mr. Andersen's testimony will take approximately 1 hour.

5. **Christophe Birkeland** (by deposition): Mr. Birkeland currently serves as Managing Director at Symantec (Norway) AS and was previously Managing Director and CTO of Malware Analysis at Blue Coat Norway AS. Mr. Birkeland is anticipated to testify regarding Blue Coat and its Malware Analysis Appliance. Blue Coat estimates that Mr. Birkeland's testimony will take approximately 1 hour.

6. **Tom Clare** (by deposition): Mr. Clare was a Senior Director of Product Marketing at Blue Coat from around 2003 to 2011. Mr. Clare is anticipated to testify regarding corporate information of Blue Coat, the relevant market and competition of the accused products, and marketing of the accused products. Blue Coat estimates that Mr. Clare's testimony will take approximately 1 hour.

7. **Jim Dildine** (live or by deposition): Mr. Dildine currently serves as Senior Vice President of Finance in the Enterprise Security Group at Symantec and was previously Senior

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Vice President of Finance and Chief Accounting Officer at Blue Coat Systems. Mr. Dildine is anticipated to testify regarding Blue Coat, and its financial and corporate information. Blue Coat estimates that Mr. Dildine's testimony will take approximately 1 hour.

8. **Christian Ernest Larsen** (live or by deposition): Mr. Larsen currently serves as an Architect on the Threat Research Team at Symantec and was previously a Malware Research Team Leader at Blue Coat Systems. Mr. Larsen is anticipated to testify regarding Blue Coat and its WebPulse service. Blue Coat estimates that Mr. Larsen's testimony will take approximately 1 hour.

9. **Tim Larsen** (live or by deposition): Mr. Larsen currently serves as a Software Engineer at Symantec and previously held that same role at Blue Coat Systems. Mr. Larsen is anticipated to testify regarding Blue Coat and its Content Analysis System product. Blue Coat estimates that Mr. Larsen's testimony will take approximately 1 hour.

10. **Kevin Rohan** (live or by deposition): Mr. Rohan currently serves as a Senior Software Engineer at Symantec and previously held that same role at Blue Coat Systems. Mr. Rohan is anticipated to testify regarding Blue Coat and its Malware Analysis Appliance. Blue Coat estimates that Mr. Rohan's testimony will take approximately 1 hour.

11. **Patrik Runald** (live or by deposition): Mr. Runald currently serves as Vice President of Engineering and Cloud Operations at Symantec and was previously Vice President of Research & Development at Blue Coat Systems. Mr. Runald is anticipated to testify regarding Blue Coat products, and Blue Coat's Global Intelligence Network and WebPulse service. Blue Coat estimates that Mr. Runald's testimony will take approximately 1 hour.

12. **Steven Schoenfeld** (live or by deposition): Mr. Schoenfeld currently serves as Senior Vice President of Product Management at Symantec and was previously Senior Vice President of Products at Blue Coat Systems. Mr. Schoenfeld is anticipated to testify regarding

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corporate information of Blue Coat, financial information of Blue Coat, Blue Coat's customers and distribution channels, and the relevant market, competition, and marketing of Blue Coat's accused products. Blue Coat estimates that Mr. Schoenfeld's testimony will take approximately 1 hour.

13. **Zach Sivertson** (live or by deposition): Mr. Sivertson currently serves as Director of Product Management at Symantec and previously held that same role at Blue Coat Systems. Mr. Sivertson is anticipated to testify regarding Blue Coat's product offering, Blue Coat's customers, and marketing of Blue Coat's accused products. Blue Coat estimates that Mr. Sivertson's testimony will take approximately 1 hour.

14. **Djordje Sorgic** (live or by deposition): Mr. Sorgic currently serves as a Software Architect at Symantec and was previously a Software Architect, Software Developer Test Automation Technical Lead, and Test Automation Engineer at Blue Coat Systems. Mr. Sorgic is anticipated to testify regarding Blue Coat and its ProxySG, Advanced Secure Gateway, and Web Security Service products. Blue Coat estimates that Mr. Sorgic's testimony will take approximately 1 hour.

15. **Matthew Scott Wood** (live or by deposition): Mr. Wood currently serves as a Chief Scientist in the Advanced Threat Protection Group at Symantec and previously held that same role at Blue Coat Systems. Mr. Wood is anticipated to testify regarding Blue Coat and its Security Analytics product. Blue Coat estimates that Mr. Wood's testimony will take approximately 1 hour.

16. **Yuval Ben-Itzhak** (by deposition): Mr. Ben-Itzhak was a Chief Technology Officer of Finjan from around 2005 to 2009. He currently serves as Finjan's consultant. Mr. Ben-Itzhak is anticipated to testify regarding operation, design, relevant market and competition of Finjan's former products, Finjan's alleged technology, and Finjan's awareness of Blue Coat's

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accused products. Blue Coat estimates that Mr. Ben-Itzhak's testimony will take approximately 15-30 minutes.

17. **Philip Hartstein** (by deposition): Mr. Hartstein is Finjan's current President and CEO. Mr. Hartstein is anticipated to testify regarding financial and corporate information of Finjan, Finjan's licenses, Finjan's licensing practices and procedures, and Finjan's awareness of Blue Coat's accused products. Blue Coat estimates that Mr. Hartstein's testimony will take approximately 15-30 minutes.

18. **Shlomo S. Touboul** (by deposition): Mr. Touboul is a founder and former CEO of Finjan. He currently serves as a consultant to Finjan. Mr. Touboul is also a named inventor of all of the patents-in-suit. Mr. Touboul is anticipated to testify regarding his alleged inventions, Finjan's corporate information, and Finjan's former products and alleged technology, including operation, design, relevant market and competition of Finjan's former products. Blue Coat estimates that Mr. Touboul's testimony will take approximately 15-30 minutes.